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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,445	09/29/2000	Ronald R. Martinsen	2710	4420

7590   03/10/2005

LAW OFFICES OF ALBERT S. MICHALIK, PLLC
704 228th AVENUE NE
SUITE 193
SAMMAMISH,, WA   98074

EXAMINER
NGUYEN, NHON D

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/677,445	MARTINSEN ET AL.
		Examiner	Art Unit	
		Nhon (Gary) D Nguyen	2179	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 October 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-29</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 September 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to amendment, filed 10/14/2004.

2. Claims 1-29 are pending in this application. Claims 1, 18, 24, 25 and 29 are independent

claims. In this amendment, no claim is canceled, claims 1, 18, 24, 25 and 29 are amended, and

no claim is added. This action is made non-final.

Claim Rejections - 35 USC § 101

3. Claims 18-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter. The computer readable medium includes intangible media such

as signals, carrier waves, transmissions, optical waves, transmission media or other media

incapable of being touched or perceived absent the tangible medium through which they are

conveyed (application specification page 11, lines 3-9).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie (US

6,266,681) in view of Kerbs et al. ("Kerbs", US 6,668,369).

As per independent claim 1. Guthrie teaches in a computer system, a method comprising: interpreting a page, the page comprising:

an import instruction that references a behavior component, an element linked to the behavior component; (col. 5, lines 14-18 and lines 33-34); and

determining a behavior of the element on the page by instantiating the behavior component in accordance with the import instruction prior to interpreting the element (col. 5, lines 26-29).

Guthrie teaches a separate interceptor code module intercepts the events generated by users on the HTML interface (for example, clicking on or moving a mouse over an element on the HTML interface), and then modifies the contents of the HTML document to include inject code (inject code is just a dynamic script) and finally returns the HTML and the injected code (or behavior component bounced to the selected element) to the Web browser for dynamic display (e.g. col. 5, lines 35-58 and col. 6, lines 1-48). However, Guthrie does not disclose the above dynamic display process coded in dynamic hypertext markup language (DHTML). Krebs teaches a DHTML language is merely a combination of static HTML and dynamic script (col. 1, lines 52-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Krebs of using DHTML as a combination of HTML and dynamic script in Guthrie's HTML and dynamic script system since it would have allowed Web developers to implement modularity in their site designs in order to simplify updates and alterations.

As per claim 2, which is dependent on claim 1, it is inherent in Guthrie's HTML/Web system that the element is must be associated with a namespace in the page.

As per claim 3, which is dependent on claim 2, Guthrie teaches wherein the behavior component comprises a name for creating a custom element that may be linked to the behavior component, and wherein a syntax for the element comprises a reference to the name (col. 13, line 16 – col. 14. line 17).

As per claim 4, which is dependent on claim 3, it is inherent in Guthrie's HTLL/Web system that the syntax for the element further comprises a reference to the namespace.

As per claim 5, which is dependent on claim 1, Guthrie teaches the behavior component comprises a name or creating a custom element that may be linked to the behavior component, and wherein a syntax for the element comprises a reference to the name (col. 13, line 16 – col. 14. line 17).

As per claim 6, which is dependent on claim 1, since the behavior component, which is injected into the HTML code, is written in Javascript, it is inherent in Guthrie's system that the behavior component is instantiated in accordance with a thread, and wherein the import instruction causes at one other thread to cease while instantiating the behavior component (col. 4, lines 1-2).

As per claims 7 and 8, which are dependent on claims 1 and 7, Guthrie teaches binding the element to the behavior component and wherein the element is bound synchronously to the behavior component (col. 5, lines 35-58).

As per claim 9, which is dependent on claim 1, Guthrie teaches the behavior component comprises content, and wherein instantiating the behavior component comprises inserting the content into the page (col. 6, lines 29-40).

As per claim 10, which is dependent on claim 9, Guthrie teaches interpreting the page comprises creating a document structure, wherein instantiating the behavior component comprises creating a document fragment including content, and wherein inserting the content into the page comprises inserting the document fragment into the document structure (col. 6, line 41 – col. 7, line 19).

As per claim 11, which is dependent on claim 1, it is rejected under the same rationale as claim 10.

As per claim 12, which is dependent on claim 1, Guthrie teaches interpreting the page comprises creating a document structure, and wherein instantiating the behavior component comprises, creating a document fragment; and maintaining the document fragment separate from the document structure (col. 6, line 41 – col. 7, line 19).

As per claim 13, which is dependent on claim 12, it is inherent in Guthrie's system that the element comprises a pointer to the document fragment.

As per claims 14 and 15, which are dependent on claims 13 and 14 respectively, Guthrie teaches the document fragment comprises content, and wherein interpreting the page comprises inserting the content into the page, wherein inserting the content into the page comprises inserting the content into the position of the element in the page (col. 6, lines 25-40).

As per claim 16, which is dependent on claim 1, Guthrie teaches the behavior component comprises script (col. 4, lines 1-2).

As per claim 17, which is dependent on claim 16, Guthrie teaches the behavior component comprises an HTC file (col. 6, lines 41-48).

As per independent claim 18, it is rejected under the same rationale as claims 1 and 12.

As per claim 19, which is dependent on claim 18, it is rejected under the same rationale as claim 13.

As per claim 20, which is dependent on claim 19, Guthrie teaches the interpreting the page comprises applying a behavior of the behavior component to the element (col. 5, lines 25-34).

As per claim 21, which is dependent on claim 19, it is rejected under the same rationale as claim 14.

As per claim 22, which is dependent on claim 21, it is rejected under the same rationale as claim 15.

As per claim 23, which is dependent on claim 18, it is rejected under the same rationale as claim 14.

As per independent claim 24, Guthrie teaches a computer-readable medium having computer executable instructions, comprising:

linking an element placed in a page to a behavior component, the behavior component including content therein; interpreting the page to form a document structure (col. 5, lines 14-18 and lines 33-34);

when interpreting the element, instantiating the behavior component to determine a behavior of the element on the page, the behavior including a pointer to the content (col. 5, lines 26-29);

instantiating the behavior component to create a document fragment, the document fragment maintained separately from the document structure (col. 6, line 41 – col. 7, line 19);

accessing the content via the pointer; and inserting the content into a representation of the page (col. 6, lines 25-40).

Guthrie teaches a separate interceptor code module intercepts the events generated by users on the HTML interface (for example, clicking on or moving a mouse over an element on the HTML interface), and then modifies the contents of the HTML document to include inject code (inject code is just a dynamic script) and finally returns the HTML and the injected code (or behavior component bounced to the selected element) to the Web browser for dynamic display (e.g. col. 5, lines 35-58 and col. 6, lines 1-48). However, Guthrie does not disclose the above dynamic display process coded in dynamic hypertext markup language (DHTML). Krebs teaches a DHTML language is merely a combination of static HTML and dynamic script (col. 1, lines 52-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Krebs of using DHTML as a combination of HTML and dynamic script in Guthrie's HTML and dynamic script system since it would have allowed Web developers to implement modularity in their site designs, simplifying updates and alterations.

As per independent claim 25, Guthrie teaches a computer-readable medium having computer executable components comprising:

a behavior component (col. 5, line 14-18 and line 34);

an import instruction component in a page, the import instruction configured to call for instantiation of the behavior component during a parsing of the page and further configured to associate the behavior component with the page (col. 5, lines 14-18 and lines 33-34, and col. 8, lines 9-34);

an element in the page that is defined by a behavior of the behavior component and configured such that, during the parsing of the page, the element binds with the behavior component and applies the behavior (col. 5, lines 26-29, and col. 8, lines 9-34).

Guthrie teaches a separate interceptor code module intercepts the events generated by users on the HTML interface (for example, clicking on or moving a mouse over an element on the HTML interface), and then modifies the contents of the HTML document to include inject code (inject code is just a dynamic script) and finally returns the HTML and the injected code (or behavior component bounced to the selected element) to the Web browser for dynamic display (e.g. col. 5, lines 35-58 and col. 6, lines 1-48). However, Guthrie does not disclose the above dynamic display process coded in dynamic hypertext markup language (DHTML). Krebs teaches a DHTML language is merely a combination of static HTML and dynamic script (col. 1, lines 52-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Krebs of using DHTML as a combination of HTML and dynamic script in Guthrie's HTML and dynamic script system since it would have allowed Web developers to implement modularity in their site designs, simplifying updates and alterations.

As per claim 26, which is dependent on claim 25, it is inherent in Guthrie's system that the behavior component comprises an instruction component configured such that during the parsing of the page, static content within the element is not parsed.

As per claims 27 and 28, which are dependent on claims 26 and 27 respectively, Guthrie

teaches an executable file for accessing the content within the element, wherein the executable

file comprises scripts (col. 11, lines 1-30).

As per independent claim 29, Guthrie teaches a computer-readable medium having

computer-executable instructions comprising:

interpreting a page, the page comprising an instantiation instruction that calls for

instantiation of a behavior component, the behavior component comprising a parsing instruction

(col. 5, lines 14-18 and lines 33-34, and col. 8, lines 9-34); and

instantiating the behavior component in accordance with the instantiation instruction, the

instantiation precluded by the parsing instruction from parsing static content in the behavior

component (col. 5, lines 26-29, and col. 8, lines 9-34).

Guthrie teaches a separate interceptor code module intercepts the events generated by

users on the HTML interface (for example, clicking on or moving a mouse over an element on

the HTML interface), and then modifies the contents of the HTML document to include inject

code (inject code is just a dynamic script) and finally returns the HTML and the injected code (or

behavior component bounced to the selected element) to the Web browser for dynamic display

(e.g. col. 5, lines 35-58 and col. 6, lines 1-48). However, Guthrie does not disclose the above

dynamic display process coded in dynamic hypertext markup language (DHTML). Krebs teaches

a DHTML language is merely a combination of static HTML and dynamic script (col. 1, lines

52-64). It would have been obvious to one of ordinary skill in the art at the time of the invention

to use the teaching from Krebs of using DHTML as a combination of HTML and dynamic script

in Guthrie's HTML and dynamic script system since it would have allowed Web developers to

implement modularity in their site designs, simplifying updates and alterations.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-29 have been considered but are moot in

view of the new ground(s) of rejection.

Inquiries

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-

4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
March 04, 2005

BA HUYNH
PRIMARY EXAMINER